

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (BA) NO.466 OF 2018

(Aniket s/o Prakash Malpe and another Vs. The State of Maharashtra thr. PSO PS
Benoda, Dist. Amravati)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Shri S.V. Sirpurkar, Advocate for Applicants.
Shri V.A. Thakre, APP for Respondent-State.

CORAM: ROHIT B. DEO, J.

DATE: 11th JUNE, 2018.

The applicants are in custody since November, 2017 in connection with Crime 216/2017 for offence punishable under sections 376(D), 376, 354, 354(A), 326 read with section 34 of the Indian Penal Code. The principal role is attributed to one Jayesh Kale. Be that as it may, *prima facie*, it appears from record that the prosecutrix gave three different and irreconcilable versions on three occasions. On 19.11.2017 the prosecutrix claimed that she fell down from an auto-rickshaw which was driven rashly and negligently. On the basis of the said statement offence punishable under section 279, 337 and 338 of the Indian Penal Code and 187, 134(A) and 134(B) of the Motor Vehicles Act came to be registered against unknown persons. On 28.11.2017 the victim lodged a report alleging that the applicants along with Jayesh Kale outraged her modesty and assaulted her and on the basis of the said

written report offence punishable under section 354, 354(A) and 326 read with section 34 of the Indian Penal Code were additionally registered. Again, on 03.12.2017 the prosecutrix lodged report alleging that accused Jayesh Kale blackmailed her and subjected her to forcible sexual intercourse. The present applicants were alleged to have also threatened the prosecution that Jayesh Kale is in possession of a video. The next allegation is that on 15.11.2017 she was subjected to rape by Jayesh Kale. The role attributed to the present applicants is that the applicant Rahul held the hands of the victim and the applicant Aniket was keeping watch.

Having perused the material on record, and in view of the three versions of the prosecutrix, which as observed earlier are mutually inconsistent and indeed irreconcilable, the application shall have to be allowed.

The applicants are released on bail on each of them furnishing a personal bond of Rs.15,000/- with a solvent surety of the like amount.

The applicants shall not tamper with the evidence nor shall applicants directly or indirectly attempt to influence the witnesses in any manner.

The application is disposed of accordingly.

JUDGE